



DEPARTMENT OF THE INTERIOR

INFORMATION SERVICE

FISH AND WILDLIFE SERVICE

For Release MONDAY, MARCH 24, 1941.

JUDGE SCORES GAME VIOLATORS, ATTORNEY; JURY OUT FEW MINUTES; JAIL TERMS GIVEN

Delivering a scorching rebuke to the game-law violator and his defense attorney, Judge James H. Baldwin, presiding in Federal Court at Havre, Montana, recently sentenced Albert Cichosz, of Hogeland, Montana, to 10 days in jail for hunting wild ducks with an unplugged shotgun capable of holding more than three shells, according to a report from the Fish and Wildlife Service, United States Department of the Interior.

Two other hunters were given sentences of 10 days and 90 days in jail for the same charge.

In his address to the jury, the defense attorney intimated that the U. S. game management agent who had apprehended Cichosz had given false testimony during the trial and had bluffed the defendant into signing an incriminating statement.

While instructing the jury, Judge Baldwin spoke for some 25 minutes on the sacred obligation of enforcing the Migratory Bird Treaty Act, a treaty between the United States and Great Britain to protect migratory birds in this country and Canada.

"We are honor bound to enforce this treaty," Judge Baldwin said. "It is the duty of the Federal officer to enforce the act and the duty of the jury to uphold the officer."

Judge Baldwin pointed out that the U. S. game agent was a man of long service who, if he had not been honest, would have been separated from his work long ago. "You must make up your mind whether he is the type of man who would perjure himself to convict someone he has never before seen," the jurist said.

He ended his instructions by saying: "It is shameful that a Federal officer, hired by you and me to enforce our laws and protect our birds, should be compelled to enter a Federal court in the United States and be insulted by a defense attorney in a manner in which this agent has been. You may now retire."

The jury was out 15 minutes and returned with a verdict of guilty.

Before passing sentence, Judge Baldwin stated: "Mr. Cichosz, you came into this court and took advantage of your rights for a jury trial... You didn't have a chance. Why didn't you plead guilty like a man?... You cost the Government \$150 for that jury. That is your money and my money."

After pronouncing the jail sentence, Judge Baldwin said: "And when you get out, go home and tell the people we are going to stop this illegal killing of ducks. If we don't do it with 10-day sentences we will give 90 days, and if that won't do it, we will give 6 months."

Frank E. Bergen, arrested with Cichosz for the same violation, requested a jury trial the following day. Found guilty, he was sentenced to 10 days in jail.

Russell Sadler, of Harlem, who was apprehended by a Federal game agent for shooting wild ducks with a shotgun capable of holding more than three shells, was sentenced to 90 days in jail. Sadler had offered perjured testimony against the game agent.